

CHAPTER 4

PUPIL ACCOUNTING AND TUITION

It is a duty of the director of the department of education to prepare forms and procedures necessary to be used by AEA boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the district board or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed (256.9(18)).

Reports

Certified Annual Report (CAR)

The AEA shall file an annual report with the director of the department of education on forms prepared for that purpose (291.10).

Reports from Accredited Nonpublic Schools

Within ten days from receipt of notice from the secretary of the school corporation within which an accredited nonpublic school is conducted, the principal of the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to such secretary of the public school district within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names and ages of each pupil of the accredited nonpublic school who is of compulsory attendance age and the grade level of each pupil during the preceding year and from the time of the last preceding report to the time at which a report is required. In addition, the report shall identify all students of compulsory attendance age who were truant as defined by law or school policy and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the AEA (299.3).

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar (299.1A).

Between September 1 and October 1 of each year, the secretary of each public school district board shall secure from each accredited nonpublic school located within its boundaries information about enrolled students as required by Iowa Code section 299.3. Each accredited nonpublic school shall submit the required report in duplicate. The secretary of each public school board shall send one copy to the secretary of the board of the AEA within which the public school district is located (IAC 281--12.3(10)).

Reports as to Private Instruction

The parent, guardian, or legal custodian of a child who is of compulsory attendance age who places the child under competent private instruction under either section 299A.2 [competent private instruction by licensed practitioners] or 299A.3 [private instruction by nonlicensed person], not in an accredited or home school assistance program operated by a public or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in subsection 279.10(1). The secretary shall retain and file one copy and forward the other copy to the district's AEA. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal custodian of the child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.8. The term "outline of course of study" shall include subjects covered, lesson plans, and time spent on the areas of study (299.4).

All such certificates, reports, and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of the office, and the secretary shall furnish certified copies thereof to any person requesting the same (299.7).

Each child of compulsory attendance age who is receiving competent private instruction shall either be evaluated annually by May 1, using a nationally recognized standardized achievement evaluation or other assessment tool developed or recognized by the department of education and chosen by the child's parent, guardian, or legal custodian from a list of approved evaluations or assessment tools provided by the department of education or be evaluated annually by showing evidence of adequate academic progress as provided in 299A.4(7) (299A.4(1)). The director of the department of education, or the director's designee, which may include a school district or an AEA, shall conduct the evaluations required for children under competent private instruction. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian (299A.4(3)). The conducting of evaluations shall include, but is not limited to, purchasing of evaluation materials, giving the evaluations, scoring and interpreting the evaluations, and reporting the evaluation results (299A.4(5)). Except when a child has been enrolled in a public school under section 299A.8, the parent, guardian, or legal custodian of the child being evaluated shall reimburse the entity conducting the evaluation for no more than the actual cost of evaluation required. However, the parent, guardian, or legal custodian is not required to reimburse the evaluating entity for costs incurred as a result of evaluation for children identified as requiring special education under chapter 256B (299A.4(6)).

A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction with prior approval of the placement by the director of special education of the AEA of the child's district of residence (299A.9).

A child who has been placed under competent private instruction, whose performance indicates that the child may require special education, shall be referred for evaluation under chapter 256B and the rules of the state board of education. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian (299A.9).

Definitions

Resident

"Resident" means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

1. Is in the district for the purpose of making a home and not solely for school purposes.
2. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. section 11302 (a) and (c).
3. Lives in a juvenile detention center, foster care facility, or residential facility in the district (282.1).

Residence

The Iowa Supreme Court stated: "Ordinarily, the legal residence of a minor is the same as that of the parents, but a minor may have a residence for school purposes other than that of the parents. The test of residence which will confer school privileges is not the same as the test for taxation or for the exercise of the right of suffrage." The court construed "residence" to mean the place, abode, or dwelling of the person, and this opinion is quite carefully followed in determining pupil residence for school purposes (Mt. Hope School District v. Hendrickson 1971 Iowa 191,193).

"In the acquisition of a school domicile two factors concur - actual resident and intention." If a pupil leaves home with the intention of living independently and making a home where the pupil works, the pupil is entitled to all the privileges of a resident, including free schooling, but all surrounding facts must be considered to determine whether or not residence was established only for school purposes (OAG #37-2-19(L); 1958 Op. Att'y Gen. 198 (#57-3-6)).

The place where the occupant mainly and substantially performs those acts and offices which characterize a home, such as sleeping, sitting, eating and receiving visitors, is determined as the residence. If it is impossible to determine in which school district the occupant performs these acts and offices, then the occupant must elect one for the purposes of taxation and school attendance, and that election would be binding upon the statutory authorities in those matters (OAG #46-9-5(L)).

When a taxpayer lives in a home in one district and other buildings are in another district, the taxpayer's children would attend the district in which the home is located (OAG #26-2-25, OAG #46-9-5).

Residence for school purposes is not the same as legal domicile. A temporary residence, if not taken for the primary purpose of obtaining free schooling, may be sufficient for school privileges. For instance, children residing in mobile home parks, by reason of employment of parents, are entitled to tuition-free schooling in the school district where the mobile home park is located (OAG #55-9-7(L)).

Residence for school purposes is determined by intention of the parties and is broader than resident for taxation or suffrage (OAG #27-10-20).

A child cannot be expelled because of non-residence until a court has determined actual residence (OAG #28-11-20).

Tuition

Special Education Tuition

Any special education instructional program not provided directly by a school district or any special education support service not provided by an AEA can only be provided through a contractual agreement. The board must approve contractual agreements for AEA-operated special education instructional programs and contractual agreements permitting special education support services to be provided by agencies other than the AEA (IAC 281--41.128).

The program costs charged by a school district or an AEA for an instructional program for a nonresident eligible individual shall be the actual costs incurred in providing that program (IAC 281—41.132(1)).

An AEA or school district may make provisions for a resident eligible individual through contracts with public or private agencies which provide appropriate and approved special education. The program costs charged by or paid to a public or private agency for special education instructional programs shall be the actual costs incurred in providing that program (IAC 281--41.132(2)).

The resident district shall be liable only for instructional costs incurred by an agency for those individuals certified as entitled in accord with these rules unless required by 34 C.F.R. section 300.302, July 1, 1999 (IAC 281--41.132(3)).

For eligible individuals living in a licensed child foster care facility as defined in Iowa Code 237.1 or in a facility as defined in Iowa Code section 125.2, the school district in which the facility is located must provide special education if the facility does not maintain a school. The costs of the special education, however, shall be paid by the school district of residence of the eligible individual. If the school district of residence of the eligible individual cannot be determined, and the eligible individual is not included in the weighted enrollment of any school district in the state, the school district in which the facility is located may certify the costs to the director of education by August 1 of each year for the preceding fiscal year. Payment shall be made from the general fund of the state (IAC 281--41.132(5)).

For eligible individuals placed by the district court, and for whom parental rights have been terminated by the district court, the school district in which the facility or home is located must provide special education. Costs shall be certified to the director of the department education by August 1 of each year for the preceding fiscal year by the director of the AEA in which the eligible individual has been placed. Payment shall be made from the general fund of the state (IAC 281--41.132(6)).

Open Enrollment

If a transfer of a pupil from one district to another results in a transfer from one AEA to another, the sending district shall forward a copy of the request to the sending district's AEA. The receiving district shall forward a copy of the request to the receiving district's AEA. Any moneys received by the AEA of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's AEA (282.18(9)).

Additional Weightings for Special Education

"Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education; transportation and corrective and supporting services required to assist children requiring special education in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education (256B.2(2)).

"Children requiring special education" means persons under twenty-one years of age, including children under five years of age who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or

physical, mental, communication or learning disability, as defined by the rules of the department of education (256B.2(1)).

School districts shall pay the costs of special education instructional programs with the moneys available to the districts for each child requiring special education, by application of the special education weighting plan in section 256B.9. Special education instructional programs shall be provided at the local level if practicable, or otherwise by contractual arrangements with the AEA board as provided in subsection 273.3(5), but in each case the total money available through section 256B.9 and chapter 257 because of weighted enrollment for each child requiring special education instruction shall be made available to the district or agency which provides the special education instructional program to the child, subject to adjustments for transportation or other costs which may be paid by the school district in which the child is enrolled (273.9(2)).

In order to provide funds for the excess costs of instruction of children requiring special education, above the costs of instruction of pupils in a regular curriculum, a special education weighting plan for determining enrollment in each school district is adopted in Iowa Code section 256B.9.

Shared-time and part-time pupils of school age who require special education shall be placed in the proper category and counted in the proportion that the time for which they are enrolled or receive instruction for the school year bears to the time that full-time pupils, carrying a normal course schedule, in the same school district, for the same school year are enrolled and receive instruction (256B.9(1)(e)).

The weighting for each category of child multiplied by the number of children in each category in the enrollment of a school district, as identified and certified by the director of special education for the area, determines the weighted enrollment to be used in that district for purposes of computations required under the state school foundation plan in chapter 257 (256B.9(2)).

Support service funds may not be utilized to supplement any special education programs authorized to use weighted instructional funds generated through the weighting plan (IAC 281—41.132(4)).

Special education instructional funds generated through the weighting plan may be utilized to provide special education instructional programs both in-state and out-of-state with the exceptions of itinerant hospital services or home services, itinerant instructional services and special education consultant services which shall utilize special education support service funds for both in-state and out-of-state placements (IAC 281--41.132(7)).

Any financial aid provided to an agency in support of special education may be suspended in whole or in part if the agency is found to be in noncompliance with any of the provisions of applicable statutes or rules (IAC 281—41.132(1)).

Tuition and Program Assistance

Children at Eldora and Toledo

The AEA in which the state training school and the Iowa juvenile home are located and the department of human services on behalf of the training school and juvenile home shall submit an annual joint application by January 1 for the next succeeding school year to the department of education describing the proposed special education instructional and support programs and service improvements for the training school and juvenile home. The department of education shall review and approve or modify the program and proposed budget by February 1 and shall notify the department of revenue and finance, the AEA, and the department of human services of the approved budget amount. The moneys for the approved budget shall supplement and not supplant moneys equal to the moneys expended for education for the fiscal year beginning July 1, 1986, by the department of human services. The moneys for the approved budget shall be used to ensure that the training school and juvenile home comply with appropriate administrative rules relating to special education adopted by the department of education. The AEA shall submit an accounting to the department of education by August 1 following the school year for the actual costs of the special education programs and services provided at the training school and juvenile home. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 257.16 during that fiscal year to all school districts in the state. The portion of the total amount of the approved accounting amount that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year.(282.28). The costs of these programs shall not otherwise be billed to school districts.

An AEA or local school district may appeal a decision made pursuant to section 282.28 or 282.31 to the state board of education. The decision of the state board is final (282.32).

Children Placed by District Court

Notwithstanding subsection 282.31(1), a child who has been identified as requiring special education, who has been placed in a facility or home by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed (282.29).

The actual special education instructional costs incurred for a child that lives in a facility, or who have been placed in a facility or home by the district court, who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility or home is located, shall be paid by the district of residence of the child to the district in which the facility or home is located, and the costs shall include the cost of transportation (282.31(2)(a)).

A child shall not be denied special education programs and services because of a dispute over the determination of district of residence of the child. The director of the department of education shall determine the district of residence when a dispute arises regarding the determination of the district of residence for a child who requires special education pursuant to this subsection (282.31(2)(b)).

The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of revenue and finance to the school district in which the facility or home is located, only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to section 256B.9, and the payment pursuant to subsection 2, paragraph "a" was not made by any district. The district shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the district by February 1. The district shall submit a claim by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify the claim and shall notify the department of revenue and finance of the approved claim amount by September 1. The total amount of the approved claim shall be paid by the department of revenue and finance to the school district by October 1. The total amount paid by the department of revenue shall be deducted monthly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year (282.31(3)).

For purposes of funding juvenile home and foster care programs, district of residence means the school district in which the parent or legal guardian of the child resides or the district in which the district court is located if the district court is the guardian of the child (282.31(4)).

For eligible individuals placed by the district court, and for whom parental rights have been terminated by the district court, the school district in which the facility or home is located must provide special education. Costs shall be certified to the director of education by August 1 of each year for the preceding fiscal year by the director of the AEA in which the pupil has been placed. Payment will be made from the general fund of the state (IAC 281--41.132(6)).

Interstate Compact--Children Placed by District Court Out of State

Sending agency means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state (232.158).

Receiving state means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons (232.158).

The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement (232.158).

The appropriate public authorities as used herein means the state department of human services (232.160).

Financial responsibility for any child placed pursuant to the provisions of the interstate compact for the placement of children shall be determined in accordance with the provisions in article V of 232.158 (232.159). The fee negotiated by the resident state and the out-of-state agency includes all services provided to that child except the additional costs of special education services.

Child Living in a Shelter Care Home or Juvenile Detention Home

An AEA shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

1. An approved or licensed shelter care home. A juvenile shelter care home means a physically unrestricting facility used only for the shelter care of children (232.2(34)).
2. An approved juvenile detention home. A juvenile detention home means a physically restricting facility used only for the detention of children (232.2(32)).

The AEA shall provide the educational program by any one of, but not limited to, the following:

1. Providing for the enrollment of the child in the district of residence of the child, subject to the approval of the district in which the child is living.
2. Cooperating with the district of residence of the child and obtaining the course of study and textbooks of the child for use in the special facility into which the child has been placed.
3. Providing for the enrollment of the child in the district in which the child is living, subject to the approval of the district in which the child is living.

An AEA shall not provide educational services to a facility unless the facility makes a request for educational services to the AEA (282.30(1)).

A child who lives in a facility and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The AEA shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of revenue and finance shall pay the approved budget amount for an AEA in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. Any amount paid by the department of revenue and finance shall be deducted monthly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year (282.31).

If juvenile home students not requiring special education attend a local school district, other than the district of residence, tuition shall be calculated in the manner prescribed in Iowa Code section 282.24 for determining tuition costs for any nonresident student attending a local school district. In lieu of paying tuition to the local school district for these students, the AEA may request the local school district to account for these students through the foster care facility claim process (IAC 281—63.16(2)(a)).

Tuition for students provided a special education program pursuant to an IEP shall be paid by the district of residence, in accordance with the rules of special education and pursuant to Iowa Code chapter 282, to the district in which the juvenile home is located or to the AEA, whichever is providing the special education. The district in which the juvenile home is located or the AEA, whichever is providing the special education, shall notify the district of residence if the child was being served on the third Friday in September by the district in which the home is located or by the AEA. The district in which the juvenile home is located or the AEA, whichever is providing the special education, shall also notify the district of residence if the child was being served on December 1 by the district in which the home is located or by the AEA (IAC 281—63.16(2)(b)).

The days of enrollment shall only include the regular school session, and shall not include days of summer session (OAG 93-1-21(L)).

Programs may be provided during the summer and funded under section 282.31 if the school district or AEA determines a valid educational reason to do so (282.31(5)).

The Department of Human Services, as custodians for a child, has the authority to sign the consent forms necessary for the child to take part in school activities, get a drivers license and obtain certain types of medical care (OAG #84-12-9(L)).

AEAs in which any licensed juvenile home is located are responsible for providing the educational program (282.31). The AEA in which the facility is located may contract with the facility to provide the educational program. This is the decision of the AEA. A facility does not have the authority to provide an educational program unless contracted by the AEA to do so.

The Department of Education shall initiate the establishment of classes for children requiring special education or home study services in hospitals, nursing, convalescent, juvenile and private homes, in cooperation with the management thereof and local school districts or AEA boards (256B.3(7)).

The Department of Education shall cooperate with existing agencies such as the Department of Human Services, the Iowa Department of Public health, the State School for the Deaf, the Iowa Braille and Sight Saving School, the state tuberculosis sanatorium, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children (256B.3(9)).

An AEA or local school district may appeal a decision made pursuant to section 282.28 or 282.31 to the state board of education. The decision of the state board is final (282.32).